

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**PRAGYA SEN,**

**Plaintiff,**

**v.**

**CHARLES SCHWAB & CO., INC.,**

**Defendant.**

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**CASE NO.: 1:21-CV-00492**

**DEFENDANT’S NOTICE OF REMOVAL**

Defendant Charles Schwab & Co., Inc. (“Schwab”) files this Notice of Removal in the above-captioned action pursuant to 28 U.S.C. § 1446. In support of removal, Defendant respectfully asserts the following:

**STATEMENT OF THE CASE**

1. On May 5, 2021, Plaintiff Pragya Sen commenced this action against Schwab by filing a Petition in the 201<sup>st</sup> Judicial District Court of Travis County, Texas, as Cause No. D-1-GN-21-002063. Her Petition alleges violation of the Texas Commission on Human Rights Act, Tex. Lab. Code Ann. § 21.001, *et seq.*, in connection with the separation of her at-will employment with Schwab. *See* Petition at ¶¶24-28.

2. Schwab has not received service of the Petition; however, on May 28, 2021, Schwab agreed to accept service of the Petition.

3. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely filed, as it is within 30 days of service of the Petition.

4. As required by 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, and orders served upon Defendant are attached hereto and are incorporated herein by reference. (*See* Exhibit 1.)

5. In accordance with 28 U.S.C. § 1446(d), Defendant is promptly giving written notice of the filing of this Notice of Removal to Plaintiff—the sole adverse party—and will file a Notice of Filing Notice of Removal with the Clerk of Court in the District Court of Travis County. (*See* Exhibit 2).

### **DIVERSITY OF CITIZENSHIP JURISDICTION**

6. Schwab is a corporation organized and existing under the laws of the State of California, with its principal place of business in San Francisco, California. (Declaration of Michael Sears at ¶ 3.) (*See* Exhibit 3).

7. Plaintiff is a resident of Texas. *See* Petition at ¶ 2.

8. The amount in controversy exceeds \$75,000. Plaintiff alleges in her petition that she is seeking to recover “more than \$200,000 but less than \$1,000,000.” *See* Petition at ¶1. In removal actions, a defendant need only allege a short and plain statement establishing the amount in controversy. *In re Whole Foods Mkt., Inc., Greek Yogurt Mktg. & Sales Practices Litig.*, 2015 WL 5737692, at \*6 (W.D. Tex. Sept. 30, 2015) (“defendant’s notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold”). Plaintiff has expressly stated that she seeks to recover “more than \$200,000.” *See* Petition at ¶1. Accordingly, the amount in controversy exceeds \$75,000.

9. Based on the presence of complete diversity between the parties and the establishment of the amount in controversy requirement, the case set forth above, presently pending in District Court of Travis County, Texas could have originally been brought before this

Court pursuant to 28 U.S.C. § 1332 and may be removed by Defendant pursuant to 28 U.S.C. § 1441(a).

**VENUE**

10. Venue is proper in the District Court for the Western District of Texas, Austin Division, because this is the district in which the state court action is pending. 28 U.S.C. § 1441(a).

**JURY DEMAND**

11. Plaintiff has demanded a jury trial in the underlying state court action.

WHEREFORE, Defendant Schwab notifies this Court of the removal of this action from the District Court of Travis County, Texas, to the United States District Court for the Western District of Texas, Austin Division.

Respectfully submitted,

OGLETREE, DEAKINS,  
NASH, SMOAK & STEWART, P.C.

/s/ Derek T. Rollins

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ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that on the 4<sup>th</sup> day of June, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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